IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3134 OF 2006

Chheda Specialities Foods (P) Ltd. & Anr. ... Petitioners

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. Apollo Maghe i/b Dhitendra Mishra for the petitioners.

Mr. Milind More, A.G.P. for the State.

Mr. A.Y. Sakhare with Ms. A.K. Savla for the B.M.C.

Mr. J.G. Reddy for respondent 3.

CORAM : SMT. RANJANA DESAI &
DR.D.Y. CHANDRACHUD, JJ.

DATED : SEPTEMBER 24, 2007.

P.C.:-

1. Pursuant to order dated 25/4/2007, a joint affidavit has been field by Dr. Jairaj M. Phatak and Mr. Debashish Chakrabarty, the Municipal Commissioner of respondent 2 and the Chief Executive Officer of respondent 3 respectively. Paragraph 4 of the said affidavit reads thus:

> *"4. We say that as per the lay out plan approved by the Respondent No.2 for Municipal Industrial Estate, the Internal Layout Road ought to have been 10 meters as sanctioned on 28/7/1975, the Respondent No.3 shall therefore order the Respondent No.5 i.e. Builder / Developer to demolish the portion of the plinth level constructed area of the Rehabilitation Building falling within the width of 10 meters Internal Layout Road. This decision has been taken after holding joint meeting between Respondent No.2 and 3 on 1/6/2007 as per the directions of the Hon'ble High Court of Judicature at Bombay by its order dated 25th April, 2007."*

2. We are informed that in view of the assurance given in paragraph 4 quoted hereinabove, respondent 2 – BMC and respondent 3 – SRA have demolished the portion of the plinth level, which was on the road. In view of this, the learned counsel for the petitioners seeks permission to withdraw the petition. The petition is allowed to be withdrawn and is disposed of as such.

[SMT. RANJANA DESAI, J.]

[DR. D.Y.CHANDRACHUD, J.]